

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF KANSAS**

***CRIMINAL JURY TRIAL PROCEDURE AND PRACTICES***

***BEFORE***

***THE HONORABLE JULIE A. ROBINSON,***  
***UNITED STATES DISTRICT JUDGE***

(REVISED \_\_\_\_\_ )

## CRIMINAL JURY TRIAL PROCEDURE

**COUNSEL:** This procedural outline has been compiled to assist you in preparing for trial before the Honorable Julie A. Robinson, United States District Judge. Please read the following information carefully. Any questions, or requests for assistance should be directed to Monice K. Crawford, the courtroom deputy, at 785-295-7640 or [KSD\\_Robinson\\_Chambers@ksd.uscourts.gov](mailto:KSD_Robinson_Chambers@ksd.uscourts.gov).

### JURY SELECTION

A listing of prospective jurors will be available to counsel one week in advance of the trial. This list will include: name, town of residence, and occupation. No further information will be provided.

The Court will conduct a fairly extensive voir dire with the Court asking questions about: prior jury service, knowledge of the case, knowledge of the people and parties involved in the case, prior and/or family involvement in criminal justice system, prior and/or family involvement in litigation, occupation of prospective juror and family members, legal education or other specialized training or work experience. The questions the Court propounds may be supplemented by questions asked by counsel. Each party is limited to thirty (30) total minutes of voir dire.

Counsel are admonished:

- a. Do not argue the case.
- b. Do not engage in efforts to educate or indoctrinate.
- c. Do not question about anticipated instructions or theories of law.

The Court will instruct the clerk to place 14 persons in the jury box, and after voir dire, and passing on all challenges for cause, plaintiff(s) will be allowed (3) peremptory challenges and the defendant(s) will be allowed (3) challenges, unless otherwise ordered by the court. The peremptory challenges will be exercised in writing, in alternating fashion beginning with the plaintiff.

Most civil jury trials will be tried to a jury of eight (8).

### EXHIBITS

1. **Marking and Exchange of Exhibits.** All exhibits shall be marked and exchanged no later than **seven (7) calendar days** before trial. The parties shall also prepare and exchange lists of their expected exhibits, in the form attached to this pretrial order, for use by the courtroom deputy clerk and the court reporter. In marking their exhibits, the parties shall use preassigned ranges of numbered exhibits. Exhibit Nos. 1-2000 shall be reserved for Government; Exhibit Nos. 2001 and higher shall be reserved for the

defendant. The parties shall provide two sets of their exhibits for the Court's use, each exhibit that the parties expect to offer shall be marked with an exhibit sticker, placed in a three-ring notebook, and tabbed with a numbered tab that corresponds to the exhibit number. The parties shall prepare an adequate number of exhibit books, including one book containing the original exhibits, two copies for the court, and one copy for opposing counsel.

**\*\* PLEASE NOTE:** In cases where Government's exhibits exceed 2000 in number, counsel are instructed to contact the deputy clerk for a determination of defendant's starting number. The same is true for cases where there are multiple defendants.

2. Counsel will maintain custody of the exhibits until they have been admitted into evidence. After admittance, the courtroom deputy will assume custody.
3. The courtroom deputy will maintain a master index for each party of all exhibits that have been identified, offered and admitted throughout the trial. Counsel or his/her staff may, and are encouraged to, check these lists as the trial progresses.

At the close of all evidence, the deputy clerk will provide counsel a final listing of all admitted exhibits.

4. At the completion of trial, counsel must remove all bulky, oversized, sensitive or dangerous materials admitted into evidence (D. Kan. Rule 79.3), by motion to withdraw.

## **DEMONSTRATIVE DEVICES**

The Court has available for use of counsel: (1) Overhead Projector; (1) Projection Screen; (1) TV (32") and VCR (4 Head); (1) Sony Presentation Stand; (1) Chalkboard; (1) magnetic white board with markers and magnets; (2) Easels. One of the courtrooms is equipped with a state-of-the-art evidence and presentation system. If you wish to use this courtroom, you will need to make arrangements with Monice Crawford, the courtroom deputy, far in advance of the trial.

## **II. PRETRIAL FILINGS**

**A. PROPOSED JURY INSTRUCTIONS**

1. Requests for proposed instructions in jury cases shall be submitted in compliance with Fed. R. Crim. P. 30 and D. Kan. Rule 51.1. Counsel also are encouraged to contact Judge Robinson's law clerk to obtain a copy of Judge Robinson's so-called standard or stock instructions, e.g., concerning the jury's deliberations, the evaluation of witnesses' credibility, etc. **It is unnecessary to submit proposed "stock" jury instructions to the Court.**
2. Instead, the parties and the attorneys have the **joint** responsibility to attempt to submit one **agreed set of instructions** that specifically focuses on the offenses charged, and any other instructions **unique** to this case. In the event of disagreement, the parties shall submit their own proposed instructions with a brief explanation, including **legal authority** as to why their proposed instruction is appropriate, or why their opponent's is inappropriate, or both.
3. Proposed instructions in jury cases shall be filed no later than **7 days** (including holidays and weekends) before trial. At the time of filing, the parties shall deliver a copy of the proposed instructions to Judge Robinson's chambers. Objections to any proposed instructions shall be filed no later than **3 days** (including holidays and weekends) before trial. If proposed instructions or objections are filed conventionally, rather than electronically, such pleading(s) shall be served by fax or hand delivery in addition to service by mail on the same date that they are filed with the court.
4. In addition to filing the proposed jury instructions, the parties shall submit their proposed instructions (formatted in WordPerfect 9.0, or earlier version) as an attachment to an Internet e-mail sent to the e-mail address of Judge Robinson, listed in the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Criminal Cases*.
5. At the close of all evidence and after ruling on all appropriate motions, arguments on proposed jury instructions will be heard by the Court.

**B. TRIAL BRIEFS**

A party desiring to submit a trial brief shall comply with the requirements of D. Kan. Rule 7.6. Government's trial brief (if any) shall be filed no later than **7 days** before trial. Defendant's trial brief (if any) shall be filed no later than **3 days** before trial. If trial briefs are filed conventionally, rather than electronically, an extra copy of the trial brief(s) shall be delivered to Judge Robinson's chambers at the time of filing, and the trial brief(s) shall be

served by fax or hand delivery in addition to service by mail on the same date that they are filed with the Court.. The Court does not require trial briefs but finds them helpful, particularly if the parties anticipate that unique or difficult issues will arise during trial.

**C. MOTIONS IN LIMINE**

All motions in limine, other than those challenging the propriety of an expert witness, shall be filed no later than **7 days** (including holidays and weekends) before trial. Responses to such motions shall be filed no later than **3 days** (including holidays and weekends) before trial. If motions in limine, briefs in support or objections are filed conventionally, rather than electronically, such pleading(s) shall be served by fax or hand delivery in addition to service by mail on the same date that such pleadings are filed with the Court. As a general rule, motions in limine are taken up by the Court at a hearing **30 minutes** before scheduled trial time; and rulings on these motions will be made from the bench by Judge Robinson. The Court will not hold bench or chamber conferences during trial to consider legal issues including evidentiary rulings that could have been raised before trial without a showing that counsel could not, by the exercise of due diligence, have anticipated them in advance of trial.

**D. PROPOSED VOIR DIRE QUESTIONS**

The parties shall file proposed voir dire questions no later than **7 days** (including holidays and weekends) before trial. Any objections to such proposed questions shall be filed no later than **3 days** (including holidays and weekends) before trial. If proposed voir dire questions or objections are filed conventionally, rather than electronically, such pleading(s) shall be served by fax or hand delivery in addition to service by mail on the same date that such pleadings are filed with the Court. As a general rule, proposed voir dire questions are taken up by the Court at a hearing **30 minutes** before scheduled trial time.

**III. TRIAL PROCEDURE/DECORUM**

**A. COURTROOM PRACTICES**

1. Courtroom

The parties are positioned in the courtroom on a "first-come, first-serve" basis (the courthouse opens at 8:00 a.m.).

Soft drink cans or bottles, cups w/logos, straws, food and other inappropriate items are not permitted in the courtroom. Plain white cups are available.

Boxes and briefcases should not be placed on counsel tables during the court session.

Cellular telephones and pagers are not permitted in the courtroom.

2. Court Schedule

*Please be on time for court.* Depending on the Court's schedule, the first day of trial will begin at 9:30 a.m. **or** at 1:30 p.m. If there are any outstanding motions, including motions in limine, or contested proposed voir dire questions, a motions hearing will begin 30 minutes before trial, that is at 9:00 a.m. **or** at 1:00 p.m. On subsequent trial days, court will generally begin at 9:00 a.m and conclude by 5:00 p.m., or later, as needed. One 15 minute break will be taken during the morning session, and one 15 minute break will be taken during the afternoon and an hour break will be taken for lunch.

**B. JUROR SELECTION**

1. Voir Dire

The Court will conduct a fairly extensive voir dire with the Court asking the jurors questions about: prior jury service, knowledge of the case, knowledge of the people and parties involved in the case, prior and/or family involvement in criminal justice system, litigation, occupation of prospective juror and family members, and legal education or other specialized training or work experience. The questions the Court propounds may be supplemented by **questions asked by counsel that have been proposed** as outlined above, and **approved by the Court**. Counsel are also permitted to ask jurors follow up questions to those questions propounded by the Court. Each side is limited to thirty (30) total minutes of voir dire, absent further order of the Court.

Counsel are admonished:

- a. Do not argue the case.
- b. Do not engage in efforts to educate or indoctrinate.
- c. Do not question about anticipated instructions

or theories of law.

2. Challenges for Cause:  
Challenges for Cause shall be taken up during jury recess or at side bar.
3. Jury  
Once the jury has been sworn to try the case, each will be given a pin which reads **JUROR**. Counsel will make every effort to avoid any kind of contact with any member of the jury, innocent or otherwise. If such contact should occur, counsel is obligated to inform the Court immediately.

## C. TRIAL

1. Opening Statements  
In most cases, opening statements will be limited to twenty (20) minutes total per side.
2. Questioning of Witnesses  
Pursuant to Local Rule 43.1(b) ". . . only one attorney for each party may participate in the examination or cross-examination of a witness." Counsel will use the lectern, unless otherwise permitted by the Court. Counsel shall not greet witnesses and shall not use a witness's first name.
3. Addressing the Court  
**Counsel must stand at all times when addressing the Court.** If counsel wishes to approach the bench (or a witness) request permission to do so, and approach only when such permission is granted.  
  
Avoid repeated, time-consuming side-bar conferences. If at all possible, anticipate problems and address before jury arrives, or during regular breaks.
4. Instructions Given Before Closing Arguments  
The Court will read the **instructions to the jury before closing** arguments by counsel. Therefore, counsel are allowed to read from or refer by number to jury instructions given by the Court.
5. Contact with Jurors  
Counsel are reminded that D. Kan. Rule 47.1 governs communications with jurors after trial, and that absent order by the Court granted upon good cause shown, parties, counsel, or their agents or employees shall not examine or interview any juror, either orally or in writing.

**IT IS THE OBLIGATION OF COUNSEL, AND PARTICULARLY COUNSEL FOR GOVERNMENT TO APPRIZE THE COURT OF A REASONABLY ACCURATE ESTIMATION OF TRIAL TIME. THE COURT EXPECTS COUNSEL TO BE SUFFICIENTLY PREPARED FOR TRIAL TO GIVE A REASONABLE ESTIMATE OF TRIAL TIME AND TO IMMEDIATELY APPRIZE THE COURT OF ANY CHANGES IN THAT ESTIMATION.**

**IT IS THE OBLIGATION OF COUNSEL TO PROMPTLY NOTIFY THE COURT OF A PLEA AGREEMENT.**

If you require any further information regarding the above, please contact: Monice K. Crawford, Deputy Clerk at (785) 295-7640.



